

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 6 BENEFIT, EMPLOYMENT AND SUPPORT SERVICES
DIVISION

CHAPTER 656.2

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SUBCHAPTER 1

GENERAL PROVISIONS

§17-656.2-1 Purpose. The purpose of this chapter is to establish the eligibility requirements that applicants or recipients shall meet to receive benefits or services under one of the other family assistance programs offered by the department. [Eff 10/18/01; comp 1/20/05] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§17-656.2-2 Definitions. For the purpose of this chapter:

"Adult" means a person age eighteen or over who is not a dependent child, or if under age eighteen is an independent minor parent living with the AFDC child.

"Aid to families with dependent children (AFDC)" means the financial assistance program administered by the DHS-BESSD under section 402(a)(4) of the Social Security Act (42 U.S.C. §§601, 603, 604, 606, 607, 608, 609, 610, 611, 619, and 1308).

"Assistance unit" means persons whose needs, income, and assets are considered in determining eligibility and the amount of financial assistance.

"Employer" means a non-profit or a for-profit organization that will serve as the source of employment.

"Full-time employment" means employment of thirty-two hours per week or one hundred and thirty-eight hours per month or the number of hours required to meet the federal work participation rate, whichever is greater.

"Grant +" means the program in which an assistance unit's monthly grant will be diverted to an employer to be issued to the participant as earned income in exchange for employment.

"Household" means all members of the assistance unit and excluded standard filing unit members as defined in sections 17-647-12, 17-656.1-15, 17-656.1-16, and 17-656.1-17.

"Non-exempt household" means a household in which at least one adult member (including adults required to be included in the household as specified in section 17-656.1-17) is not an exempt adult as defined in section 17-656.1-2.

"Participant" means an adult in a non-exempt AFDC household who agrees to participate in the Grant + program.

"Payment month" means the calendar month for which the department shall issue or provide benefits.

"Primary adult" means the adult with the greatest number of time eligible months.

"Primary residence" means the single residence designated as the child's home.

"Prospective budgeting" means the department's best estimate of the income and circumstances that will exist in a calendar month. In this case the payment and budget month are the same.

"Time eligible month" means a month a non-exempt household received AFDC benefits.

"Unapproved absence" means any absence determined by the employer to be unapproved for all other employees in a similar position.

"Work mandatory adult" means any adult who is required to register for the First-to-Work program under the AFDC program. [Eff 10/18/01, am and comp 1/20/05] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 C.F.R. §§260.20, 260.31)

§17-656.2-3 Categorical program requirements. A household may be eligible for benefits under one of the family assistance programs specified in this chapter if the following categorical requirements are met:

- (1) At least one member of the household is a needy child as specified in section 17-656.1-6, including an eligible child who is excluded as specified in section 17-656.1-17 (a);
- (2) The needy child is living with one of the relatives specified in section 17-656.1-7 (b) in a primary residence maintained as the child's own home;
- (3) All household members meet social security number, residency, and citizenship requirements as specified in chapter 17-655; and
- (4) For the Supporting Employment Empowerment program only, the household shall have fulfilled child support assignment requirements and cooperate in obtaining child, spousal, and medical support as specified in chapter 17-653. [Eff 10/18/01, am and comp 1/20/05] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§§17-656.2-4 to 17-656.2-6 Reserved

SUBCHAPTER 2

EMPLOYMENT SUBSIDY PROGRAM

§17-656.2-7 Purpose. The purpose of this subchapter is to establish the eligibility requirements and benefits of the employment subsidy program. [Eff 10/18/01; comp 1/20/05] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§17-656.2-8 General eligibility requirements.

- (a) The household shall meet the categorical eligibility requirements specified in subchapter 1.
- (b) The household shall be determined to be a non-exempt household as defined in section 17-656.2-2.
- (c) The household shall have exhausted the sixty-month time limit specified in section 17-656.1-3. In addition, a minimum of twelve of the sixty months shall have been received from the state of Hawaii.
- (d) The household's countable income and resources shall be in accordance with chapters 17-675 and 17-676.
- (e) The household's personal reserve shall not exceed \$5,000 as specified in section 17-675-5.
- (f) The household's total monthly gross income shall not exceed one hundred and eighty-five per cent of the household's standard of need as specified in section 17-680-8.
- (g) Effective with the sixty-first month, at least one adult in the household shall be employed a minimum of:
 - (1) Nineteen hours per week or eighty-two hours per month for the first twelve consecutive employment subsidy months;
 - (2) Twenty hours per week or eighty-six hours per month for the thirteenth through the twenty-fourth consecutive employment subsidy month; and

(3) Thirty-two hours per week or one hundred thirty-eight hours a month from the twenty-fifth month through the sixtieth consecutive employment subsidy month.

(h) Eligibility shall be limited to a one time only period of sixty consecutive employment subsidy months beginning the month following the sixtieth time eligible month.

(i) The sixty month employment subsidy period shall be assigned to the primary adult in the household. [Eff 10/18/01, am 12/31/01, am 6/29/02, am and comp 1/20/05, am 9/18/06] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 C.F.R. §§260.20, 260.31)

§17-656.2-9 Determining program eligibility. (a) An eligibility determination shall be made immediately upon termination of financial assistance due to the sixty-month time limit specified in section 17-656.1-3.

(1) A new application shall not be required.

(2) Current verification of resources, monthly income and monthly hours of employment shall be required.

(b) An assistance unit whose eligibility has expired due to the sixty month time limit that is determined ineligible for the employment subsidy program beginning the sixty-first month, shall submit an application to be reconsidered for eligibility after the sixty-first month. An application may be received and eligibility established at any time during the set sixty employment subsidy month period.

(c) An eligible household shall be subject to reporting requirements as specified by the department in chapter 17-650 and be subject to an annual eligibility redetermination as specified in chapter 17-648. [Eff 10/18/01, am and comp 1/20/05, am 9/18/06] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 C.F.R. §§260.20, 260.31)

§17-656.2-10 Benefit determination. (a) A household that meets all the categorical, general, and

program requirements specified in sections 17-656.2-3, 17-656.2-8, and 17-656.2-9 shall be eligible for an employment subsidy payment of two hundred dollars per month for each adult household member who is employed a minimum of:

- (1) Nineteen hours per week or eighty-two hours per month for the first twelve consecutive employment subsidy months;
- (2) Twenty hours per week or eighty-six hours per month for the thirteenth through the twenty-fourth consecutive employment subsidy month; and
- (3) Thirty-two hours per week or one hundred thirty-eight hours a month from the twenty-fifth month through the sixtieth consecutive employment subsidy month.

(b) Eligibility shall continue for each month that requirements are met, but shall not exceed sixty consecutive employment subsidy months.

(c) Eligibility shall be determined based on the best estimate of the assistance unit's composition, resources, income, and hours of employment that will exist in the payment months.

- (1) The best estimate of monthly gross income for applicants and recipients shall be based on income that is anticipated to be received on a regular basis in the payment months. Fluctuations in pay schedules, work schedules, and overtime pay shall not be used to determine eligibility.
- (2) The best estimate of whether an adult meets the hours of employment requirement shall be based on the adult's regularly scheduled hours of employment. Fluctuations due to vacation leave, sick leave or a temporary decrease in hours for other reasons shall not be used to determine eligibility. If the hours of employment are not expected to remain the same, the hours shall be projected as specified in chapter 17-676.

(d) An employment subsidy payment that is determined using the best estimate as specified in

chapter 17-676 shall not be subject to overpayment and recovery provisions specified in chapter 17-683, except when there is evidence that the household withheld information without good cause that would have affected program eligibility. [Eff 10/18/01, am 6/29/02, comp 1/20/05, am 9/18/06] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 C.F.R. §§260.20, 260.31)

§§17-656.2-11 to 17-656.2-13 Reserved

SUBCHAPTER 3

GRANT +

§17-656.2-14 Purpose. The purpose of this subchapter is to establish the requirements of the Grant + program. An organization may participate by employing public assistance recipients. The recipient's monthly assistance grant will be diverted to the organization to pay a portion of the recipient's wages. [Eff 10/18/01, comp 1/20/05] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§17-656.2-15 General eligibility requirements.

(a) The following general eligibility requirements shall be met:

- (1) A household shall meet the categorical eligibility requirements as specified in subchapter 1.
- (2) A work mandatory adult in a non-exempt household shall be eligible to participate.
 - (A) A non-exempt household shall not have exhausted the time limited sixty months of AFDC benefits as specified in section 17-656.1-3.
 - (B) When there is more than one work mandatory adult in the household, only one adult may participate. The household shall determine which adult will participate.

(b) Participation in Grant + is voluntary. [Eff 10/18/01, comp 1/20/05] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§17-656.2-16 Program eligibility requirements.

(a) An AFDC recipient who wishes to participate in the Grant + program shall sign an agreement with the department that specifies the participation requirements.

- (1) The agreement shall be entered into at the time the department initially refers the participant to the employer.
- (2) Failure of the participant to comply with the agreement without good cause shall be good cause for the employer to terminate participation in the program.

(b) An employer who wishes to participate in the Grant + program shall complete a memorandum of agreement with the department.

- (1) The memorandum of agreement shall be current and shall be signed by personnel authorized to sign on behalf of their respective parties.
- (2) The requirements of the department, the participant, and the employer shall be set forth.
- (3) Failure of the department to comply with the memorandum of agreement shall be good cause for the employer to terminate participation in the program.
- (4) Failure of the employer to comply with the memorandum of agreement shall be good cause for the department to refuse payment and terminate participation with the employer.

(c) The employer shall select participants to be employed.

(d) A participant shall not participate for more than twelve months unless the department determines the participant is eligible for an extension not to exceed six months as follows:

- (1) The participant will qualify for a job opening with the same employer within the next six months;

- (2) The participant has a firm job offer from an employer that will be available in the next six months; or
- (3) The prescribed training for the participant's position exceeds twelve months but can be completed in eighteen months.
- (e) The participant shall be sanctioned for failure to participate without good cause, pursuant to chapters 17-684 and 17-794.
- (f) The participant shall remain eligible throughout the designated period of employment unless:
 - (1) The household no longer meets the categorical requirements of subchapter 1;
 - (2) The assistance unit's total resources exceed the personal reserve standard; or
 - (3) The participant is no longer work mandatory.
- (g) Participation in Grant + shall end effective the first of the month following the month the participant is determined ineligible.
- (h) Earnings shall be budgeted prospectively for two months beginning the month following the month that participation in Grant + ends.
- (i) Overpayments resulting from the participant's ineligibility for the Grant + program shall be recovered from the participant.
- (j) Each month of participation in Grant + is exempt from the time limits defined in section 17-656.1-3 and shall not be counted toward the assistance unit's sixty months of AFDC benefits. The participant's household shall be exempt from the monthly reporting requirements as specified in chapter 17-650 but shall be subject to the annual eligibility redetermination as specified in chapter 17-648. [Eff 10/18/01, am and comp 1/20/05] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§17-656.2-17 Participation requirements. Each participant shall:

- (1) Work a minimum of thirty-two hours a week for an organization;
- (2) Accept that the participant's employer will receive up to \$650 per month on behalf of the

participant as the participant's full assistance payment;

- (3) Accept family medical coverage from the employer if it is available at no cost to the participant; and
- (4) Agree to have their monthly assistance grant issued to an employer in exchange for employment. [Eff 10/18/01, comp 1/20/05] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§17-656.2-18 Benefit determination. A participant that has met the requirements of this subchapter shall have the Grant + payment determined as follows:

- (1) The Grant + payment shall be considered full payment of the monthly assistance grant, except for the first month of participation. The Grant + payment shall be equal to \$650 a month regardless of household size.
- (2) The participant shall receive their full assistance grant in the first month of participation and a Grant + payment will be made to the employer for the participant's first month of participation.
- (3) The Grant + payment shall be:
 - (A) Paid to the employer.
 - (B) Issued after the department receives an invoice from the employer.
 - (C) Prorated by the number of days actually worked for months of partial participation resulting from new participation, termination of participation, and unapproved absences. [Eff 10/18/01, comp 1/20/05] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§17-656.2-19 Notice requirements. (a) An adequate notice as defined in chapter 17-649 shall be sent to the household as follows:

- (1) To divert the payment from the household to the employer;
 - (2) To change the payment to \$650 regardless of household size; or
 - (3) To restore financial assistance to the standard of assistance as the recipient is no longer participating in Grant +.
- (b) Except as specified in subsection (a), a timely and adequate notice as specified in chapter 17-649 shall be sent to the household. [Eff 10/18/01, comp 1/20/05] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§§17-656.2-20 to 17-656.2-22 (Reserved)

SUBCHAPTER 4

SELF-SUFFICIENCY PROGRAM

§17-656.2-23 Purpose. The purpose of this subchapter is to establish the requirements of the self-sufficiency program. Eligible households shall be paid monthly benefits in a lump-sum payment to be used for a specific purpose that will lead to self-sufficiency. [Eff 12/31/01; comp 1/20/05] (Auth: HRS§346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§17-656.2-24 General eligibility requirements.
(a) A household shall meet the categorical eligibility requirements as specified in subchapter 1.

(b) The countable resources of the assistance unit shall be determined in accordance with chapter 17-675 and shall not exceed the personal reserve standard of \$5,000.

(c) The countable income of the assistance unit shall be determined in accordance with chapter 17-676. [Eff 12/31/01; am and comp 1/20/05] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§17-656.2-25 Program eligibility requirements.

(a) To receive monthly benefits in a lump-sum payment as a self-sufficiency payment a household shall make a request in writing. The request shall specify the following:

- (1) A planned use for the money that demonstrates that it can be reasonably anticipated to lead to self-sufficiency; and
- (2) The payment will be used for a legal purpose.
- (b) A household, as defined in section 17-656.2-2, shall include at least one adult who is not exempt as defined in section 17-656.1-2.
- (c) One adult in the household shall have a work history of at least six months in the thirty-six months prior to the month of request for a self-sufficiency payment.
- (d) The total number of months used to determine the self-sufficiency payment shall not exceed the number of time eligible months remaining for the household.
- (e) The assistance unit must be eligible for an AFDC payment in the month the self-sufficiency payment is issued.
- (f) The family shall be issued a self-sufficiency payment only once in the time limited sixty-months of AFDC benefits.
- (g) A self-sufficiency payment shall not be counted toward the household's sixty months of AFDC benefits.

(h) An eligible household shall be exempt from the monthly reporting requirements and the annual eligibility redetermination provisions as specified in chapters 17-650 and 17-648 respectively. [Eff 12/31/01; comp 1/20/05] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§17-656.2-26 Benefit determination. (a) A household that has met the requirements of this subchapter may request a self-sufficiency payment equaling three months, six months, or eight months of benefits.

(b) The total number of months used to determine a self-sufficiency payment shall not exceed the number of time eligible months remaining for the household.

(c) A household shall have the self-sufficiency payment determined as follows:

- (1) For applicants, the self-sufficiency payment shall equal the amount of the first eligible full monthly AFDC payment multiplied by the number of months of benefits being requested.
- (2) For recipients, the self-sufficiency payment shall equal the amount of the AFDC payment for the month following the month a self-sufficiency payment is requested multiplied by the number of months being requested.

(d) The self-sufficiency payment shall not be adjusted regardless of changes in circumstances or household size.

(e) When a self-sufficiency payment is issued, the assistance unit shall be ineligible for financial assistance from the month that is used to compute the self-sufficiency payment in subsection (c). The assistance unit shall be ineligible for the following periods:

- (1) Five consecutive calendar months for a payment equaling three months of benefits.
- (2) Nine consecutive calendar months for a payment equaling six months of benefits.
Twelve consecutive calendar months for a payment equaling eight months of benefits.

(f) The ineligible period shall not be adjusted regardless of changes in circumstances or household size. [Eff 12/31/01; comp 1/20/05] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§§17-656.2-27 to 17-656.2-30 (Reserved)

SUBCHAPTER 5

GRANT DIVERSION PROGRAM

§17-656.2-31 Purpose. The purpose of this subchapter is to establish the requirements of the Grant Diversion program. [Eff 1/20/05] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§17-656.2-32 General eligibility requirements.

(a) All applications received by the department shall be screened immediately to determine potential Grant Diversion program eligibility.

(b) All new applicant households shall be subject to the Grant Diversion program provisions specified in this subchapter provided:

(1) The household has not received financial assistance in the AFDC category for two calendar months; and

(2) There is at least one work mandatory adult in the assistance unit.

(c) An applicant household that is required to cure a sanction for a prior AFDC involvement shall not participate in the Grant Diversion program.

(d) A work mandatory pregnant woman shall not participate in the Grant Diversion program.

(e) A work mandatory adult who is employed thirty or more hours per week shall not participate in the Grant Diversion program.

(f) The household shall meet the categorical eligibility requirements specified in subchapter 1.

(g) The household shall not have exhausted the AFDC time limit of sixty months as specified in section 17-656.1-3.

(h) The household shall be determined to be a non-exempt household as defined in section 17-656.2-2.

(i) The household's countable income and resources shall be in accordance with chapters 17-675 and 17-676.

(j) The household's personal reserve shall not exceed \$5,000 as specified in section 17-675-5.

(k) The household's total monthly gross income shall not exceed one hundred and eighty-five per cent of the household's standard of need as specified in section 17-680-8. [Eff 1/20/05] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§17-656.2-33 Program eligibility requirements.

(a) An application shall be presumptively approved for the Grant Diversion program if the household meets all the general eligibility requirements specified in section 17-656.2-32 and all the work mandatory adults in the household have attended the required orientation and interview sessions as specified in section 17-656.2-34.

(b) Verification of eligibility factors may be postponed for ten calendar days after presumptive eligibility has been established.

(1) If verification is not submitted within ten calendar days of the information being requested, the case shall be closed for failure to establish eligibility.

(2) No overpayment shall occur for the period that a household was determined presumptively eligible.

(c) Eligibility shall be limited to a one time only fixed certification period of four months.

(1) The fixed period of four months shall be four consecutive calendar months.

(2) A prorated month shall not count as one of the four months.

(d) Benefits paid to a household determined eligible for the Grant Diversion program shall not be counted toward the household's sixty month time limit specified in section 17-656.1-3.

(e) The monthly assistance allowance shall be set at sixty-two and one-half per cent of the standard of need as specified in section 17-678-4 for the entire four month fixed period, including any prorated months.

(f) A household that has been determined eligible for Grant Diversion in the initial month of eligibility shall continue under the Grant Diversion program for the entire four month fixed period, even if the household is subsequently determined to be an exempt household.

(g) A household that terminates assistance prior to the end of the fixed four month period and then reapplies for assistance within the fixed four month period, shall be subject to the Grant Diversion provisions specified in this subchapter for the

remainder of the fixed four month period, if otherwise eligible.

(h) At the end of the four month fixed period, the Grant Diversion program participation shall end and the household shall be automatically processed for continuing eligibility under the AFDC program as specified in Chapter 17-656.1. [Eff 1/20/05] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§17-656.2-34 Program participation requirements.

(a) All work mandatory adults in a household determined to be Grant Diversion program eligible, shall attend a program orientation session within five days of the date of application.

(b) Immediately following the orientation session, all work mandatory adults shall be interviewed by an eligibility worker to complete the program eligibility determination.

(c) If the household's application for Grant Diversion is approved, all work mandatory adults in the household shall be referred to a case manager for an employability assessment and development of an individual employment plan.

(d) The employment plan shall describe the work activities and participation hours that the work mandatory adult is expected to meet to be in compliance with the individual's participation requirements. Work activities shall include the following:

- (1) Unsubsidized employment;
- (2) Subsidized private sector employment;
- (3) Subsidized public sector employment;
- (4) Work experience;
- (5) On-the-job training;
- (6) Job search; and
- (7) Job readiness assistance.

(f) Work mandatory adults shall also participate in case management activities as deemed necessary by the case manager. [Eff 1/20/05] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§17-656.2-35 Failure to comply with program participation requirements. (a) If a work mandatory adult in the household fails to appear for the orientation or eligibility interview, the household's application for financial assistance shall be discontinued in accordance with subsection 17-647-14(f).

(b) The household's financial assistance shall be terminated if a work mandatory adult fails to participate in assigned work activities or case management activities.

- (1) The household shall be provided written notice of the possible termination and the right to claim good cause. The household shall be informed to submit verification of good cause, if applicable, within ten days from the date the notice is mailed.
- (2) The department shall make a determination of good cause in accordance with the provisions in section 17-684-6. [Eff 1/20/05] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§§17-656.2-36 to 17-656.2-38 (Reserved)

SUBCHAPTER 6

SUPPORTING EMPLOYMENT EMPOWERMENT PROGRAM

§17-656.2-39 Purpose. The purpose of this subchapter is to establish the requirements of the Supporting Employment Empowerment program. The Supporting Employment Empowerment program is an incentive program designed to assist AFDC recipients with obtaining employment. The Supporting Employment Empowerment program offers prospective employers a wage and benefit subsidy to encourage them to hire AFDC recipient employees. [Eff 1/20/05] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§17-656.2-40 General eligibility requirements.

(a) The assistance unit shall be eligible and receiving financial assistance or be eligible to receive a payment of less than ten dollars under the AFDC program specified in chapter 17-656.1.

(b) The household shall have a minimum of six months remaining of the household's sixty-month time limit specified in section 17-656.1-3. [Eff 1/20/05] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§17-656.2-41 Program participation requirements.

(a) An AFDC recipient who wishes to participate in the Supporting Employment Empowerment program shall sign an agreement with the department that specifies the participation requirements.

- (1) The agreement shall be entered into at the time the department initially refers the participant to the employer.
- (2) Failure of the participant to comply with the agreement without good cause as specified in section 17-684-6, shall be cause to sanction the household as specified in section 17-684-7.

(b) A participant shall not participate for more than six months unless the department determines the participant is eligible for an extension not to exceed two three month periods as follows:

- (1) The participant will qualify for a job opening with the same employer within the next three months;
- (2) The participant has a firm job offer from an employer that will be available in the next three months;
- (3) The prescribed training for the participant's position exceeds six months but can be completed in not more than twelve months; or
- (4) Continuing in the Supporting Employment Empowerment position will enhance the participant's ability to secure employment and self-sufficiency.

(c) The participant shall be employed at least twenty-four hours per week and receive an hourly wage

of not less than state or federal minimum wage, whichever is higher.

(d) The participant shall remain eligible throughout the designated period of employment, even if the household becomes ineligible for AFDC.

(e) All earned income received by a Supporting Employment Empowerment participant shall be budgeted in accordance with chapter 17-676.

(f) The participant shall be sanctioned for failure to participate without good cause, pursuant to chapter 17-684. [Eff 1/20/05] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§17-656.2-42 Employer's responsibility. (a) An employer who wishes to participate in the Supporting Employment Empowerment program shall complete a memorandum of agreement with the department as follows:

- (1) The memorandum of agreement shall be current and signed by personnel authorized to sign on behalf of their respective parties.
- (2) The requirements of the department, the participant, and the employer shall be set forth.
- (3) Failure of the department to comply with the memorandum of agreement shall be good cause for the employer to terminate participation in the program.
- (4) Failure of the employer to comply with the memorandum of agreement shall be good cause for the department to refuse payment and terminate participation with the employer.

(b) The employer shall interview and select participants to be employed.

(c) The employer shall pay a Supporting Employment Empowerment participant the market wage for the position the participant is filling and pay the wage difference if the market rate is higher than the higher of state or federal minimum wage.

(d) The employer shall accept a Supporting Employment Empowerment payment from the department that is equal to the number of hours that the participant worked multiplied by the current state minimum wage rate.

(e) The payment shall include an additional subsidy payment that is equal to fourteen percent of the Supporting Employment Empowerment payment that was paid to the employer based on the participant's hours of employment. The additional subsidy payment is intended to reimburse the employer for costs associated with unemployment insurance (UI), worker's compensation (WC), and federal insurance contributions act (FICA) taxes paid in behalf of the Supporting Employment Empowerment participant.

(f) The employer shall provide a job coach for each Supporting Employment Empowerment participant. The job coach may be an employee or other individual who can assist the Supporting Employment Empowerment participant in learning the job and can answer questions about the workplace.

(g) The employer shall notify the case manager if a participant's job performance is less than satisfactory.

(h) The employer shall provide notification to the participant and the department if the employer plans to terminate a participant for unsatisfactory job performance. [Eff 1/20/05] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§17-656.2-43 Department's responsibility. (a) The department shall be responsible for screening First-to-Work participants to determine if the individual has the appropriate job qualifications to be referred to an employer for possible selection for hire in the Supporting Employment Empowerment program.

(b) The department will market the Supporting Employment Empowerment program to for-profit and not-for-profit employers.

(c) After being billed by the employer, the department will pay an amount equal to the higher of state or federal minimum wage multiplied by the number of hours a Supporting Employment Empowerment participant worked and an additional fourteen percent of that amount to cover employer expenses for UI, WC, and FICA.

(d) Prior to imposing a sanction under section 17-684-7, the department shall determine whether there

(e) was good cause for the participant's failure to participate in the Supporting Employment Empowerment program, pursuant to section 17-684-6.

(f) The department shall sanction the assistance unit as specified in section 17-684-7, if an individual fails to participate in the Supporting Employment Empowerment program with out good cause. [Eff 1/20/05] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§§17-656.2-44 to 17-656.2-46 (Reserved)

SUBCHAPTER 7

SUPPORTIVE SERVICES FOR HOUSEHOLDS RECEIVING CHILD WELFARE SERVICES

§17-656.2-47, Purpose. The purpose of this subchapter is to establish the requirements for households receiving child welfare services (CWS) to receive supportive services through the Temporary Assistance to Needy Families block grant. [Eff 1/20/05] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§17-656.2-48, General eligibility requirements. To be eligible for supportive services under this subchapter, a household shall have:

- (1) been processed through the child welfare services intake unit and have an active case; and
- (2) at least one dependent minor child in the home or if the child has been removed from the home there is a plan for the child to be returned to the home within one hundred and eighty days; and
- (3) gross income that is below the standard established in the TANF State Plan for CWS families to receive supportive services; and
- (4) a social services plan that requires services for one or all the adults in the household.

[Eff 1/20/05] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)

§§17-656.2-49 through 17-656.2-51 (Reserved)

SUBCHAPTER 8

EMPLOYMENT BONUS PROGRAM

§17-656.2-52 Purpose. The purpose of this subchapter is to establish the requirements of the employment bonus program. The employment bonus program is being developed to assist employed households in receipt of AFDC benefits or Grant Diversion benefits to become self-supporting by providing an exit bonus and job retention bonuses. The exit bonus will be paid to eligible households who exit the Grant Diversion or AFDC program provided the household exits prior to receiving twenty-five months of AFDC assistance from July 1997. The job retention bonuses will be paid to eligible households at specified intervals during a consecutive twenty-four month period. [Eff (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 C.F.R. §§260.20, 260.31)]

§17-656.2-53 Definitions. For the purpose of this subchapter:

"Average monthly hours" means the total number of hours employed for the most recent three months preceding the month of determination, which shall be divided by three and rounded down to the nearest whole number. For self-employed persons, it means the monthly gross income for each of the most recent three months preceding the month of determination. The sum of the three months' income shall be divided by three and then divided by the state minimum wage. The resulting amount shall be rounded down to the nearest whole number.

"Employed" means a person who is working the minimum number of required hours a week in the most

current pay period in exchange for wages. For self-employed persons, the self-employment must produce income equivalent to at least the minimum number of required hours at the state minimum wage.

"Exit bonus" means a bonus paid to a household with an employed adult who exits the Grant Diversion or AFDC program prior to receiving twenty-five months of AFDC assistance and who meets the requirements of section 17-656.2-54. The department shall count the number of months the employed adult recipient received AFDC benefits since July 1997 to determine whether the household has received less than twenty-five months of benefits.

"First to Work" means a work program which provides employment preparation and support services to AFDC households as defined in chapter 17-684.

"Grant Diversion" means a non-assistance program that provides intensive work preparation activities for four full calendar months to all adults identified as able to perform substantial gainful employment of at least thirty-two hours a week as defined in subchapter 5 of this chapter.

"Job retention bonus" means a bonus paid at intervals of three months, six months, twelve months, and twenty-four months to a household which exited AFDC or Grant Diversion before receiving twenty-five months of AFDC benefits and is no longer receiving AFDC, Grant +, Self-Sufficiency or Grant Diversion benefits and meets the requirements of §17-656.2-55 at each interval.

"Twenty-four month period" means the twenty-four consecutive month period, beginning with the first month of closure for any reason, prior to receiving twenty-five months of AFDC assistance. The department shall count the number of months the employed adult recipient received AFDC benefits since July 1997 to determine whether the household has received less than twenty-five months of AFDC benefits. [Eff]
(Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 C.F.R. §§260.20, 260.31)

§17-656.2-54 Exit bonus requirements. (a) An exit bonus shall be paid to eligible households that:

- (1) Meet the categorical eligibility requirements specified in subchapter 1;
- (2) Have received at least one month of Grant Diversion or AFDC benefits and less than twenty-five months of AFDC benefits. The Department shall determine the number of months based on the adult with the greater number of months on Grant Diversion if they have received only Grant Diversion or on AFDC if they have received AFDC or AFDC and Grant Diversion;
- (3) Have been terminated from Grant Diversion or AFDC benefits:
 - (A) By voluntary request for case closure, provided that households who received Self-Sufficiency payments shall be considered recipients for the period the Self-Sufficiency payment was issued;
 - (B) Due to excess income; or
 - (C) Due to excess assets; and
- (4) Have total monthly gross income which does not exceed three hundred per cent of the federal poverty level in effect on July 1 of each year. Countable income shall be determined and budgeted as specified in chapters 17-676;
- (5) Have at least one employed adult at time of termination from Grant Diversion or AFDC who is expected to continue to be employed:
 - (A) The adult shall be expected to be employed at least eighty-six hours a month or have self-employment. Self-employment gross income must meet or exceed eighty-six hours at state minimum wage.
 - (B) An adult who has more than one employment shall be allowed to use the total hours of all employment to determine the number of hours employed.
 - (C) If there is more than one employed adult, the total hours worked by both adults can be used to determine eligibility for the exit bonus.
 - (D) Any adult whose employment hours are used to determine eligibility for the exit bonus

shall be considered to have received the exit bonus; and

(6) Have not previously received the exit bonus.

(b) The exit bonus shall be determined as follows:

(1) A bonus in the amount of \$500 shall be paid if the average monthly hours are expected to be not less than eighty-six hours but not more than one hundred twenty-eight hours;

(2) A bonus in the amount of \$700 shall be paid if the average monthly hours are expected to be not less than one hundred twenty-nine hours but not more than one hundred seventy-two hours.

(3) A bonus in the amount of \$1000 shall be paid if the average monthly hours are expected to be one hundred seventy-three hours or more.

(c) Receipt of the exit bonus is limited to once in the lifetime of the household in which the employed adult resides.

(d) An exit bonus payment shall not be subject to overpayment and recovery provisions specified in chapter 17-683. [Eff] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 C.F.R. §§260.20, 260.31)

§17-656.2-55 Job retention bonus requirements.

(a) An eligible household may receive a job retention bonus for remaining off assistance for three months, six months, twelve months or twenty-four months in a consecutive twenty-four month period beginning with the first month of closure for any reason, prior to receiving twenty-five months of AFDC assistance.

(b) The requirements specified in subsection (c) below shall be reviewed at each bonus period to determine eligibility for each bonus.

(c) To be eligible for a job retention bonus, the household shall meet the requirements of the exit bonus as specified in section 17-646.2-54, provided that the reason for closure will not affect eligibility for the bonus, except for closure for the Self-Sufficiency Program.

(d) Additional requirements include:

- (1) For the three month retention bonus, at least one adult must be employed for the three months from the date of closure, the household has not received any financial assistance or non-assistance benefits during these three month, and all sanctions have been cured;
- (2) For the six month retention bonus, at least one adult must be employed in the fourth through the sixth month from the date of closure and the household has not received any financial assistance or non-assistance benefits in the fourth through the sixth month, and all sanctions have been cured;
- (3) For the twelve month retention bonus, at least one adult is employed in the seventh through twelfth month from date of closure, the household has not received any financial assistance or non-assistance benefits in the seventh through twelfth month of the twenty-four month period, and all sanctions have been cured;
- (4) For the twenty-four month retention bonus, at least one adult is employed in the thirteenth to the twenty-fourth month from the date of closure, the household has not received any financial assistance or non-assistance benefits in the thirteenth through the twenty-fourth month, and all sanctions have been cured; and
- (5) Breaks in employment may not exceed two weeks in any quarter and the break must be for good cause reasons as described in subsection 17-684-6
- (e) The request for a job retention bonus shall be submitted in writing.
 - (1) The request must be timely.
 - (A) The request for the three month job retention bonus shall be submitted no earlier than the first day and not later than the last calendar day of the fourth consecutive month of the twenty-four month period.

- (B) The request for the six month job retention bonus shall be submitted no earlier than the first day and not later than the last calendar day of the seventh consecutive month of the twenty-four month period.
 - (C) The request for the twelve month job retention bonus shall be submitted no earlier than the first day and not later than the last calendar day of the thirteenth consecutive month of the twenty-four month period.
 - (D) The request for the twenty-four month job retention bonus shall be submitted no earlier than the first day and not later than the last calendar day of the twenty-fifth consecutive month after receipt of the exit bonus.
- (2) A determination of eligibility for a bonus period shall be denied if a request from the household is not submitted in a timely manner.
 - (3) A determination of eligibility shall not be made if a request from the household is not submitted.
- (f) An adult who has more than one employment shall be allowed to use the hours of all employment to determine the number of hours employed.
 - (g) If there is more than one employed adult, the total hours employed by both adults can be used to determine the job retention bonus amount the household is eligible to receive. Any adult whose employment hours are used to determine eligibility for a bonus period shall be considered to have received the bonus for that period.
 - (h) A job retention bonus for each period shall be limited to once in the lifetime of a household in which the employed adult resides.
 - (i) Any ineligibility for a bonus period shall be treated as if the household received the bonus for that period for the purpose of counting bonuses received.
 - (j) A job retention bonus payment shall not be subject to overpayment and recovery provisions specified in chapter 17-683. [Eff] (Auth:

HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 C.F.R. §§260.20, 260.31)

§17-656.2-56 Determining the job retention bonus amount. (a) An eligible household may receive a job retention bonus for employment at intervals of three months, six months, twelve months, or twenty-four months.

(b) The job retention bonus shall be determined as follows:

(1) Three months:

- (A) A bonus in the amount of \$700 shall be paid if the average monthly hours are not less than eighty-six hours but not more than one hundred twenty-eight hours;
- (B) A bonus in the amount of \$950 shall be paid if the average monthly hours are not less than one hundred twenty-nine hours but not more than one hundred seventy-two hours.
- (C) A bonus in the amount of \$1250 shall be paid if the average monthly hours are one hundred seventy-three hours or more.

(2) Six months:

- (A) A bonus in the amount of \$1000 shall be paid if the average monthly hours are not less than eighty-six hours but not more than one hundred twenty-eight hours;
- (B) A bonus in the amount of \$1250 shall be paid if the average monthly hours are not less than one hundred twenty-nine hours but not more than one hundred seventy-two hours;
- (C) A bonus in the amount of \$1500 shall be paid if the average monthly hours are one hundred seventy-three hours or more;

(3) Twelve months:

- (A) A bonus in the amount of \$1200 shall be paid if the average monthly hours are not less than eighty-six hours but not

- more than one hundred twenty-eight hours;
- (B) A bonus in the amount of \$1700 shall be paid if the average monthly hours are not less than one hundred twenty-nine hours but not more than one hundred seventy-two hours;
 - (C) A bonus in the amount of \$2000 shall be paid if the average monthly hours are one hundred seventy-three hours or more.
- (4) Twenty-four months:
- (A) A bonus in the amount of \$1400 shall be paid if the average monthly hours are not less than eighty-six hours but not more than one hundred twenty-eight hours;
 - (B) A bonus in the amount of \$2250 shall be paid if the average monthly hours are not less than one hundred twenty-nine hours but not more than one hundred seventy-two hours;
 - (C) A bonus in the amount of \$2500 shall be paid if the average monthly hours are one hundred seventy-three hours or more.
[Eff _____] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 C.F.R. §§260.20, 260.31)

§17-656.2-57 Notices to households. The household shall be notified in writing of their potential eligibility for the exit bonus and the job retention bonuses. [Eff _____] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29; 45 CFR §§260.20, 260.31)